

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Rodney Ray Chisholm,)		
)		
Petitioner,)	ORDER	
)		
vs.)		
)		
Colby Braun,)	Case Nos. 1:16-cv-077 and 1:16-cv-083	
)		
Respondent.)		

On April 14, 2016, petitioner, Rodney Ray Chisholm, filed a petition for habeas corpus relief in Case No. 1:16-cv-077. On April 21, 2016, he submitted what the court construes as an amended habeas petition. Regrettably it was not filed as such in Case No. 1:16-cv-077. Rather, it was mistakenly assigned to/filed in Case No. 1:16-cv-083.

The Clerk's office shall: (1) administratively close Case No. 1:16-cv-083; (2) return to Chisholm the filing fee he paid in Case No. 1:16-cv-083; (3) file in Case No. 1:16-cv-077 what the court has construed as an amended habeas petition; and (4) serve respondent with a copy of the amended petition. Respondent shall file an answer within thirty (30) days of service of the petition. If Respondent intends to assert untimeliness of the petition as a defense, it should file a motion to dismiss along with any supporting documentation limited to this issue within forty-five (45) days of service of the amended petition.

IT IS SO ORDERED.

Dated this 22nd day of April, 2016.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr., Magistrate Judge
United States District Court